

**VILLAGE OF MORTON
ORDINANCE 24-17**

**AN ORDINANCE MAKING AMENDMENTS TO TITLE 10 OF THE MORTON
MUNICIPAL CODE REGARDING ZONING OF MASSAGE PARLORS**

NOW THEREFORE, be it ordained by the President and Board of Trustees of the Village of Morton, in the State of Illinois, as follows:

SECTION 1: **AMENDMENT** “10-6-3: B-2 General Business District” of the Morton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10-6-3: B-2 General Business District

A. Permitted Uses:

1. All uses permitted as a “permitted use” in the B-1 Professional Office District.
2. Banks, savings and loans, and other financial institutions.
3. Book and stationery stores.
4. Camera and photographic supply stores.
5. Candy and ice cream stores, including stores where commodities are produced on premises for sale exclusively on the premises.
6. Carpet and rug stores.
7. China and glassware stores.
8. Department stores.
9. Drugstores.
10. Dry cleaning and laundry pick-up stations.
11. Dry goods stores.
12. Electric and household appliance stores, including radio and television sales and repair.
13. Furniture stores, including upholstery when conducted as part of the retail operation and secondary to the principal use.
14. Garden supply stores.
15. Gift shops.
16. Haberdashery.
17. Hardware stores.
18. Hobby shops for retail of items to be assembled or used away from the premises.
19. Interior decorating shops, including upholstery and making of draperies, slip covers, and other similar articles, when conducted as part of the retail operations and secondary to the principal use.
20. Jewelry stores, including watch repair.
21. Laboratories, medical, and dental research and testing.

22. Laundromats and dry cleaning machines with not more than three (3) employees.
23. Leather goods and luggage stores.
24. Libraries and reading rooms.
25. Liquor, beer, and wine outlets.
26. Musical instruments, sales and repair facilities.
27. Office supply stores.
28. Paint and wallpaper stores.
29. Pet stores, but not including outdoor kennels or runways.
30. Photography studios, including the developing of film and pictures when conducted as part of the retail business on the premises.
31. Post offices.
32. Public meeting halls.
33. Restaurants, tea rooms, and taverns (but not drive-in or drive-through restaurants where food is provided to customers in cars).
34. Sales and display rooms.
35. Shoe stores and shoe repair.
36. Sporting goods store.
37. Supermarkets and retail food stores.
38. Tailor or dressmaking shops.
39. Telegraph, telephone, or utility offices.
40. Temporary outdoor demonstrations and exhibitions of merchandise primarily for outdoor use.
41. Theaters (not drive-ins).
42. Toy shops.
43. Variety shops. (Ord. 78-31, 3-5-79)
44. Printing and publishing having not more than fifteen (15) employees other than office and maintenance employees. (Ord. 84-2, 6-18-84)
45. Bed and Breakfast Establishments. (amd Ord. 09-20, 8-3-09)
46. Esports cafes.

B. Special Uses: The following uses are permitted subject to the public hearing and other special permit procedure requirements as outlined in Chapter 10 of this Title:

1. Any use permitted as a special use in the B-1 Professional Office District.
2. Automobile service stations and public garages, including new and used car sales rooms.
3. Bus depots and cab stands.
4. Drive-in or drive-through restaurants where food is provided to customers in cars.
5. Frozen food stores, including locker rental in conjunction therewith.
6. Funeral homes, mortuaries, and crematories.
7. Radio and television broadcasting studios and transmitting towers.
8. Restricted production and repair, limited to the following: art, needlework, clothing, custom manufacturing, and alterations for retail only, jewelry from precious metals, watches, dentures, and optical lenses.
9. Service, cleaning, or repair shops for personal, household, or garden equipment.

10. Veterinarian or animal hospital without outdoor kennels or runways.
11. Food processing and retail sales.
12. Retail sale of automobile supplies and auto parts. (amd. Ord. 01-28, 11-5-01)
13. Restaurants, taverns, and similar establishments serving alcoholic liquors with an outdoor eating, drinking, or seating area. (amd. Ord. 08-44, 4-20-09)
14. Car Washes. (amd. Ord. 13-31, 3-3-14)
15. Firearm resale shop. (amd. Ord. 17-03, 6-5-17)
16. Firearm firing range. (amd. Ord. 17-03, 6-5-17) Special Uses: The following uses are permitted subject to the public hearing and other special permit procedure requirements as outlined in Chapter 10 of this Title:
17. Brew pub.
18. Craft brewery.
19. Winery.
20. Massage Parlor

C. Required Yard Area: Every building hereafter erected or structurally enlarged shall provide the following yard requirements, except for lots of record which shall meet reduced requirements of Section 10-4-4, and except for those general exceptions to yard requirements as outlined in Section 10-4-3:

1. Front Yard: The front yard shall be equal to the building height but in no case less than twenty five feet (25) unless the exception set forth in Section 10-4-3 {G} applies, and in the instance such exception applies the required front yard shall be equal to the building height but in no case less than eighteen feet nine inches {18'9"}.
2. Side Yard: The side yard shall be a minimum of ten feet (10') for buildings of two and one-half (2 1/2) stories or less, unless an existing adjoining property provides no side yard, in which case the property need provide no side yard. Ten foot (10') side yard is minimum required side yard for buildings of two and one-half (2 1/2) stories or less where buildings are separated. For unattached building of more than two and one-half (2 1/2) stories, the side yard shall be increased five feet (5') for each story or portion of story above two and one-half (2 1/2) stories.
3. Rear Yard: The rear yard shall be not less than eight feet (8').
4. Fences: Ornamental and enclosure fences meeting the required conditions are exempt from the specific yard requirements as noted.
 - a. Ornamental fences not exceeding six feet (6') in height are permitted within the front yard. Enclosure fences are not permitted in front yards.
 - b. Ornamental and enclosure fences not exceeding six feet (6') in height are permitted in the side and rear yards. (amd. Ord. 08-30, 12-1-08)
5. Pavement: Access walks, drives and parking areas not encroaching on the landscaped front yard shall be no closer than 10 feet (10') to the side property line and eight feet (8') to the rear property line. Landscape screening shall be required whenever pavement is closer than the building setback line.
6. Parking Lot Light Poles: Parking lot light poles may extend an additional three feet (3') into the required landscaped yard setback., All outdoor lighting in any business or industrial district shall be installed so that lighting throw does not

fall beyond any property line.

7. Noise-Emitting Mechanical Equipment. On properties adjacent to residential districts, mechanical equipment emitting noise such as air-conditioning compressors and similar equipment emitting noise such as air-conditioning compressors and similar equipment may be located in side or rear yards but in no case any closer than twelve feet (12') to the side yard property line of the adjacent property, and in all instances so installed and directed to be of minimum annoyance to the adjacent property. Back-up generators may be located in side or rear yards but in no case closer than six feet (6') to the side yard property line of the adjacent property.

- D. Building Height: No building shall be erected or enlarged to exceed a height of two and one-half (2 1/2) stories or thirty five feet (35'), except for those general exceptions to height limitations listed in Section 10-4-3. Buildings of up to five (5) stories or seventy feet (70') in height may be permitted as a special use subject to the public hearing and other special permit requirements as outlined in Chapter 10 of this Title.
- E. Required Off-Street Parking And Loading: Required off-street parking and loading shall be provided as outlined in Chapter 8 of this Title. (Ord. 78-31, 3-5-79). All drives,, parking and loading areas shall be hard surfaced with bituminous concrete or concrete.
- F. Required Construction Area And Composition: A building which is erected or enlarged shall conform to the following:
 1. It shall rest upon footing or foundation. This shall not be construed to prohibit pole buildings or post frame buildings if set in concrete.
 2. It shall have sanitary facilities which comply with all other requirements of the Morton Municipal Code. This provision shall not apply to those buildings used exclusively for storage or warehousing.
- G. Interstate Corridor: In the event the property is located within an interstate corridor, then the required lot size, required yard area, and driveways and parking areas, shall be as set forth in Title 10, Chapter 4, Subsections 7(B) and (C). The provisions of Title 10, Chapter 4, Subsection 7(G) shall also apply. (Ord. 94-31, 5-15-95)
- H. Landscaped Buffers or Screening Required: Newly established business uses adjacent to or backing on property zoned in the residential districts shall provide and continuously maintain on that property line a dense hedge, tree row, or other similar landscape device suitable to visually screen the differing types of adjacent uses from one another.

SECTION 2: **AMENDMENT** “10-2-1: Definitions” of the Morton Municipal Code is hereby *amended* as follows:

AMENDMENT

10-2-1: Definitions

Wherever anywhere in this Title any of the following terms are used, they shall have the meaning indicated hereafter in this Chapter.

ACCESSORY USE, ACCESSORY AREA, ACCESSORY BUILDING: A use customarily incidental and subordinate to the principal use, principal area or principal building and located on the same lot, parcel, or tract of land with said principal use, area, or building, and an accessory use, area, or building shall be deemed to constitute occupancy of that part of the lot, parcel, or tract of land so used or upon which the accessory building is located. Private garage shall not be considered an accessory use. A ground mounted solar system shall be considered an accessory use. A swimming pool shall be considered an accessory use. (Ord. 78-31, 3-5-79; amd. Ord. 83-4, 5-16-83; amd. Ord. 91-8, 7-15-91; amd. Ord. 10-20, 10-4-10)

ALLEY: An alley is a public way not more than thirty feet (30') wide affording secondary access to abutting property.

ANIMAL HOSPITAL: An establishment for the treatment, and necessary boarding incidental thereto, of small animals such as dogs, cats, rabbits, and birds by a veterinarian.

APARTMENT: A room or suite of rooms with complete kitchen and sanitary facilities in a structure designed to accommodate two (2) or more such units.

AUTOMOBILE WRECKING YARD: Any place where one (1) or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation; or any land, building, or structure used for the wrecking or storing of such automobiles or the parts thereof. Any location for storage of motor vehicles awaiting repair for more than seven (7) consecutive days shall be considered an automobile wrecking yard.

BARKER: An individual, operating outside of a business's primary structure, who attempts to engage passersby through verbal, physical, or other contact in order to entice them into patronizing said business. (Ord. 07-31, 9-4-07)

BARKER SIGNS: Any temporary signs used to advertise a business or business event that are not affixed to any type of building or support structure, but are instead carried by an individual serving as a "barker" on behalf of the business entity. (Ord. 07-31, 9-4-07)

BED AND BREAKFAST ESTABLISHMENTS: An owner/operator occupied residence providing accommodations for a charge to the public with no more than five (5) guest rooms, each limited to two (2) transient adult guests per night, for rent, in operation for more than ten (10) nights in a twelve (12) month period. Bed and Breakfast establishments shall not include motels, hotels, boarding houses, or lodging houses. (Ord. 09-20, 8-3-09)

BOARDING OR LODGING HOUSE: A building other than a hotel where meals or sleeping accommodations or both are provided for compensation for three (3), but not more than ten (10), persons.

BREW PUB: An establishment where beer is brewed or manufactured with the primary

distribution of beer brewed or manufactured on the premises in an adjoining restaurant where food is served.

BRICK: A molded rectangular block primarily comprised of clay and/or shale, fired with natural gas or coal at approximately two thousand degrees (2000°) to fuse the shale or clay into a durable building unit that is laid contiguously with the joints between the units filled with mortar. (Ord. 09-34, 12-21-09)

BUILDING: A building is any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows, or openings; and which is designed or intended for the shelter, enclosure, or protection of persons, animals, or chattels.

BUILDING HEIGHT: The vertical distance measured from the sidewalk level or its equivalent established grade to the highest point of the roof. Where buildings are set back from the building setback line, the height will be measured from the average elevation of the finished lot grade. (Ord. 78-31, 3-5-79; amd. Ord. 05-20, 9-6-05)

CLINIC: An establishment, including the operation of a professional pharmacy, but excluding facilities for in-patient nursing care, where one (1) or more physicians and other medical professionals diagnose and treat human physical and/or mental ailments. (Ord. 79-39, 3-3-80)

COMMUNITY RESIDENCE: A group home or specialized residential care home serving unrelated persons with disabilities which is licensed, certified, or accredited by appropriate local, State, or national bodies. This Ordinance shall not be construed to require a license, certification, or accreditation and same shall only be required where State or Federal law requires same. Community residence does not include a residence which serves persons as any alternative to incarceration for a criminal offense, or persons whose primary reason for placement is substance or alcohol abuse, or persons whose primary reason for placement is treatment for a communicable disease. (Ord. 89-19, 2-5-90)

CONSTRUCTION SIGNS: A temporary sign, which includes those indicating construction or home improvement, or the offering of services such as lawn maintenance and landscaping, at a specific location at which they are located. (Ord. 07-31, 9-4-07)

COVERAGE: The portion of the lot area covered by the building area.

CRAFT BREWERY: An establishment where beer is manufactured in quantities not exceeding those prescribed by the Illinois Craft Brewer's License. The establishment may also include a tasting room and craft beer manufactured onsite may be offered for sale at retail for use or consumption onsite or offsite.

CURB LEVEL: The average elevation of the established curb of a street taken along the curb line between the points of intersection of the curb line and the lot lines. Where no curb has been established, the curb level shall be the average elevation of the land surface taken along the street right of way and the lot lines.

DAY CARE CENTER: An adult care facility or a child care facility receiving more than eight

(8) persons for care during all or part of a day. Day care centers are not to be construed as public or private school facilities. (Ord. 78-31, 3-5-79; amd. Ord. 12-27, 3-4-13)

DISABILITY: Any person whose disability:

- A. Is attributable to mental, intellectual, or physical impairments or a combination of mental, intellectual, or physical impairments; and
- B. Is likely to continue for a significant amount of time or indefinitely; and
- C. Results in functional limitations in one (1) or more of the following areas of major life activities:
 - 1. Self care;
 - 2. Receptive or expressive language;
 - 3. Learning;
 - 4. Mobility;
 - 5. Self direction;
 - 6. Capacity for independent living;
 - 7. Economic self-sufficiency; and
- D. Reflects the person's need for a combination and sequence of special interdisciplinary or generic care, treatment, or other services which are of a life-long or extended duration. (Ord. 89-19, 2-5-90)

DUMPSTERS: A portable receptacle designed and used for accumulating debris. (Ord. 07-41, 10-1-07)

DWELLING: A building or portion thereof designed or used exclusively for residential occupancy, but not including house trailers, mobile homes, hotels, motels, boarding or lodging houses or manufactured home. The terms "dwelling" and "dwelling unit" are used interchangeably. (Ord. 78-31, 3-5-79; amd. Ord. 82-8, 8-2-82)

DWELLING, MULTIPLE-FAMILY: A building used as a residence for more than two (2) families living independently of each other and doing their own cooking therein, including apartment houses, apartment hotels, group houses, and row houses. The term "multiple-family dwelling" and "multi-family dwelling" are used interchangeably.

DWELLING, SINGLE-FAMILY: A building used as a residence exclusively by one (1) family.

DWELLING, TWO-FAMILY: A building used as a residence exclusively by two (2) families with completely separate living facilities for each family.

ELECTRIC SOLAR SYSTEM: An electric solar system is one which produces electrical power for the structure. (Ord. 10-20, 10-4-10)

ESPORTS CAFE: A facility with computer equipment, internet service, and/or spectator accommodations the primary purposes of which may include (a) offering the rental of desk space for use of personal computers or the rental of time to use provided computer equipment that is pre-loaded with software to provide a venue for electronic games (Esports), virtual

reality games, or augmented reality games; (b) hosting video game tournaments where spectator fees may be charged; and/or (c) other similar activities.

FAMILY: An individual or two (2) or more persons related by blood, marriage, or adoption, together with his or their domestic servants and a gratuitous guest maintaining common household in a dwelling unit or lodging unit.

FENCE: A man-made structure which is constructed for the purpose of or has the effect of enclosing or screening the area it is constructed upon. (Ord. 78-31, 3-5-79)

FENCE, CHAIN LINK: A fence made of loops of metal wire interconnected in a series of joined links, and which shall be at least 75% open.

FENCE, ENCLOSURE: A fence primarily for providing privacy or visual screening.

FENCE, INDUSTRIAL SECURITY: A fence provided primarily for security which shall be of chain link construction and which shall be at least seventy five percent (75%) open. (Ord. 79-43, 4-21-80)

FENCE, ORNAMENTAL: An ornamental fence is a fence, the surface area of the fence being more than seventy five percent (75%) open. Ornamental fences may not be chain link or wire construction and may not have pointed or dangerous projections.

FIREARM FIRING RANGE: An area or facility designed and operated for individuals to engage in the activity of practice shooting of archery and/or firearms for commercial purposes. (Ord. 17-03, 6-5-17)

FIREARM RESALE SHOP: A retail store that derives its principal income from buying and selling firearms with or without the sale of ammunition and/or firearm accessories. (Ord. 17-03, 6-5-17)

FLOOR AREA: The total horizontal area of living space enclosed by the exterior walls of a building measured at the outside of such exterior walls including partitions, closets, bath, and utility rooms, but not including cellars, basements, unfinished attics, garages, breezeways, porches, and patios, and other spaces not used ordinarily for living, eating, and sleeping purposes. (Ord. 78-31, 3-5-79)

GARAGE, PRIVATE: A use housing not more than four (4) motor vehicles, not more than one (1) of which may be a commercial vehicle of not more than one and one-half (1 1/2) tons capacity, and not more than one (1) of which may be a camper, for the use of the occupants of the lot on which the private garage is located. Garages shall meet required yard areas as specified in this Title. Only one (1) garage per dwelling unit shall be allowed, either attached or unattached. Attached shall mean a minimum of a common roof and foundation between the dwelling unit and garage. (Ord. 78-31, 3-5-79; amd. Ord. 80-30, 11-17-80; amd. Ord. 02-25, 1-6-03; amd. Ord. 08-25, 11-3-08)

GOVERNMENTAL UNITS, BOARDS AND OFFICIALS:

- A. The word “Village” shall mean the Village of Morton, Illinois.
- B. The words “Village Board” shall mean the President and Trustees of the Village of Morton.
- C. The words “Plan Commission” or “Planning Commission” shall mean the Village of Morton Plan Commission.
- D. The words “Zoning Enforcing Officer” shall mean the officer designated by the Board of Trustees to enforce the Village of Morton Zoning Ordinance.
- E. The words “Zoning Board of Appeals” shall mean the Zoning Board of Appeals of the Village of Morton.

HEIGHT: See “Building Height.” (Ord. 78-31, 3-5-79; amd. Ord. 84-3, 6-18-84)

HOSPITAL: A building having facilities for in-patient nursing care where physicians and other medical professionals diagnose and treat human ailments. (Ord. 78-31, 3-5-79)

INTERSTATE CORRIDOR: Each and every parcels of land located within the corporate limits of the Village of Morton, which is bounded on any side in any manner by any interstate right-of-way or fifty percent (50%) or more of the area of such parcel is located within five hundred (500) feet of any interstate right-of-way. (Ord. 94-31, 5-15-95; amd. Ord. 17-09, 7-5-17)

KENNEL: A structure for sheltering or keeping cats, dogs, bitches, and puppies for compensation, which either keeps or boards animals not belonging to a family dwelling on the premises, or keeps more than three (3) such animals that are more than six (6) months old.

LANDSCAPED SCREENING: A hedge of trees or shrubs suitable at maturity to visually screen one property from another. The term “landscaped buffers” and “landscape screening” are used interchangeably. See the “Plant Materials For Landscape Screening” section for appropriate plant materials and minimum sizes required. Equivalent materials of equal sizes may be substituted with approval of the Zoning Enforcing Officer. Landscaped screening, where required, must be continuously maintained. (Ord. 78-31, 3-5-79)

LANDSCAPED YARD: See “Yard, Landscaped.”

LIVESTOCK FEEDING: Any operation which stables or confines and feeds or maintains, for a total of forty-five (45) days or more in any twelve (12) month period, a combination of at least fifty (50) animal units, or its equivalency, as defined: (amd. Ord. 06-19, 7-10-06)

<u>Category</u>	<u>Animal Unit</u>
Brood cows and slaughter feeder cattle	1 animal unit
Milking dairy cows	1.4 animal units
Young dairy stock	0.6 animal units
Swine weighing over fifty-five (55) pounds	0.4 animal units
Swine weighing under fifty-five (55) pounds	0.03 animal units
Sheep, lambs, or goats	0.1 animal units
Horses	2 animal units
Laying hens or broilers (facilities with continuous overflow watering)	0.01 animal units
Laying hens or broilers (facilities with liquid manure handling system)	0.03 animal units
Ducks	0.02 animal units

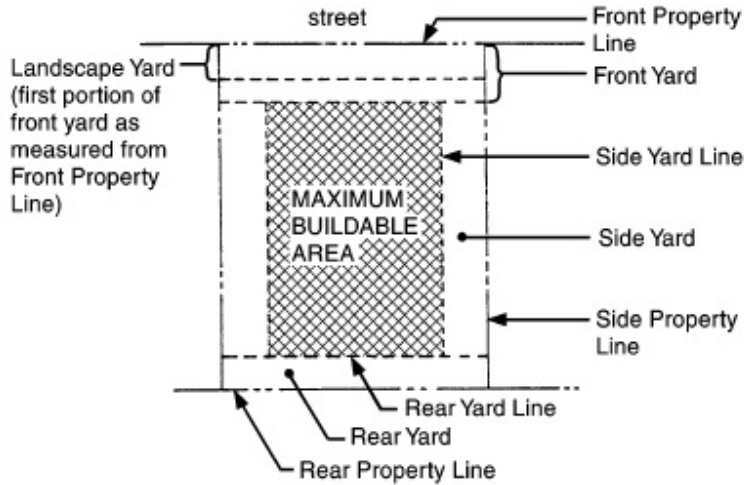
LOADING AND UNLOADING SPACE: See 10-8-7 of this Title.

LODGING HOUSE: See “Boarding House.”

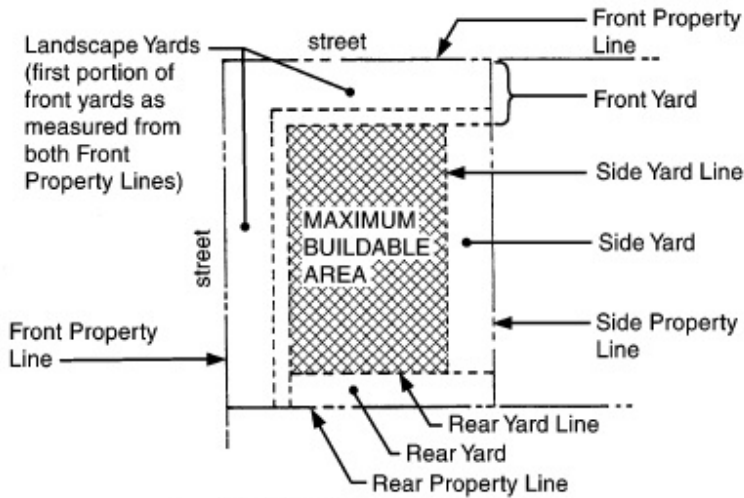
LOT: A portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest or use and the customary accessories and open spaces belonging to the same.

LOT, CORNER: Parcel of land situated at the intersection of two (2) or more streets, or at and abutting the point or abrupt change of a single street where the interior angle is less than one hundred thirty five degrees (135°) and the radius of the street is less than one hundred feet (100’).

LOT, INTERIOR: A lot other than a corner lot and which has lots on either side.



Zoning Lot - Interior



Zoning Lot - Corner

LOT OF RECORD: A lot which is a part of a subdivision, the plat of which has been recorded in the office of the Recorder of Deeds of Tazewell County, Illinois; or a parcel of land described by metes and bounds, the deed or description of which was recorded in the office of the Recorder of Deeds prior to the adoption of this Title. Ord. 78-31, 3-5-79)

MANUFACTURED HOME: A structure, transportable in one or more sections, which, in traveling mode, is eight body feet (8') or more in width or forty body feet (40') or more in

length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes plumbing, heating, air conditioning, and electrical systems contained therein. (Ord 98-45, 3-15-99)

MASSAGE: Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external soft tissues of the body with the hands or with aid of any mechanical, electrical apparatus or appliances or by the application of air, liquid or vapor baths of any any kind, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations used in this practice.

MASSAGE PARLOR: Any establishment that provides massages as the primary means of business. This shall include any establishment having a fixed place of business where any person, firm, association, partnership, or corporation engages in, carries on or permits to be engaged in, carried on any of the activities mentioned in the definition of massage. A Massage Parlor does not include any accredited educational facility that teaches massages therapy or masseuse techniques, nor shall it include any licensed health care facility or establishment of duly licensed doctors. Further, Massage Parlor dos not include salons or physical therapy offices which may offer massages as an incidental activity to other, dominant uses of the premises.

MOBILE HOME: Any portable or mobile vehicle or trailer coach used for residential living purposes temporarily or permanently. For the purpose of this Title, such vehicle shall be classified as a mobile home whether or not its wheels, rollers, skids, or other rolling equipment have been removed, or whether or not any addition thereto has been built on the ground. (Ord. 78-31, 3-5-79; amd. Ord. 82-8, 8-2-82; amd. Ord. 84-9, 9-17-84; amd. Ord. 00-50, 3-5-01)

MOBILE HOME PARK MOBILE HOME COURT: A tract of land meeting the standards of the Tazewell County Health authorities and by the Illinois State Department of Health:

- A. Where one (1) or more trailer coach, manufactured home or mobile home is parked, excepting trailers used exclusively for transporting property as distinguished from persons;
- B. Which is used by the public as parking space for one (1) or more trailer coach, manufactured home, or mobile home. (Ord. 78-31, 3-5-79; amd. Ord. 98-45, 3-15-99)

MODULAR HOME: A building assembly or system of building sub-assemblies, designed for habitation as a dwelling place for one (1) or more persons, including the necessary electrical, plumbing, heating, ventilating, and other service systems, which is of closed or open construction and which is made or assembled by a manufacturer, on or off the building site, for installation, or assembly and installation, on the building site, with a permanent foundation. (Ord. 78-31, 3-5-79; amd. Ord. 82-8, 82-82; amd. Ord. 98-45, 3-15-99)

MOTOR FREIGHT TERMINAL: A structure, facility, or premise for the handling of goods and materials in transit, including the parking, loading, and repairing of commercial motor

vehicles. Employee sleeping accommodations shall be considered allowable by special use permit only. (Ord. 82-32, 4-4-83)

NONCONFORMING STRUCTURE: A structure lawfully existing at the time of adoption of this Zoning Ordinance which does not conform to the regulations of the district in which it is located.

NONCONFORMING USE: A use which lawfully occupied a structure or land at the time of adoption of this Zoning Ordinance which does not conform with the regulations of the district in which it is located. For the purposes of this Title, any use lawfully established on the effective date of this Zoning Ordinance which is nonconforming solely by virtue of lacking off-street parking or loading facilities as required hereafter for new uses, shall not be deemed a nonconforming use. (Ord. 78-31, 3-5-79)

NURSERY SCHOOL: A place where preschool education and instructional programs are offered for children. (Ord. 84-1, 5-21-84)

OUTDOOR RECREATIONAL FACILITIES: Facilities including but not limited to miniature golf, driving range, and related activities. (Ord. 86-21, 4-20-87)

PARKING AREA, OFF STREET: An open, hard-surfaced area of land, other than a street or public way, arranged and made available for the storage of private passenger automobiles only, of occupants of the building or buildings for which the parking area is developed and is accessory.

PARKING SPACE: An area to the dimensions and layout as contained in Chapter 8, sufficient to accommodate one (1) automobile, convenient, accessible, and usable at all times without having to move any other vehicle.

PLANNED RESIDENTIAL DEVELOPMENT: A tract of land which is developed as a residential development under single ownership or control and which may not completely conform to all of the regulations of the district regulations.

PLANT MATERIALS FOR LANDSCAPE SCREENING:

- A. Deciduous shrub means a lower story plant that generally will not attain a mature height of more than fifteen feet (15') and usually has a dense branching pattern which is close to ground level. Such plants shed their leaves in winter. Any similar plant that will not attain a mature height of more than one foot (1') will not be regarded as a shrub. Examples include honeysuckle, lilac, forsythia, rose of sharon, and sumac.
- B. Evergreen shrub means a lower story plant that generally will not attain a mature height of more than fifteen feet (15') and usually has a dense branching pattern which is close to ground level. Such plants retain their foliage throughout the year. Any similar plant that will not attain a mature height of more than one foot (1') will not be regarded as a shrub. Examples include douglas arbor-vitae, chinese juniper, swiss stone pine, and irish yew.
- C. Evergreen tree means a tree that retains its foliage throughout the year which generally

develops a pyramidal shape and grows to a mature height and spread that is greater than any pyramidal shaped evergreen shrub such as upright junipers and upright arbor vitae. Examples include spruce, pine, hemlock, and douglas fir.

- D. Intermediate tree means a deciduous plant characterized by a height and/or spread that is generally smaller than that of a shade tree under natural growing conditions. Such plants will shed their leaves and are dormant during the winter. Intermediate trees may have a single trunk or multiple trunk. Examples include bradford pear, crimson king maple, and crab apple.
- E. Shade tree means a deciduous plant which generally creates a tall and wide overhead canopy under nature growing conditions. Such plants will shed their leaves and are dormant during the winter. Shade trees will usually have a single trunk. Examples include oak, hard maple, birch, linden, and beech. (amd. Ord. 00-51, 3-19-01)

PLAY STRUCTURE:

- A. Length is less than forty percent (40%) of average yard width.
- B. Width is less than twenty-five percent (25%) of average yard width.
- C. Interior of enclosed structure may not exceed seven feet, six inches (7'6") in height.
- D. Interior of enclosed structure may not exceed sixty (60) square feet.
- E. Tallest point of structure cannot exceed fourteen feet, six inches (14'6") of the average soil height of the yard.
- F. Enclosed structure may not be insulated.
- G. Enclosed structure may not be used for storage of anything other than toys. Bikes, wagons, tricycles, or other wheeled structures are not considered toys.
- H. Only one (1) enclosed structure is allowed per play structure.
- I. A play structure may not be placed in or on a concrete foundation; however, posts are acceptable and may be set in concrete.
- J. Only one (1) play structure is allowed per lot. (Ord. 05-41, 2-6-06)
- K. Shall not include swing sets.

A swing set is defined as follows:

1. Structure constructed of metal, wood, or other materials with swings, a glider, and a slide.
2. Shall be exempt from the building permit process.
3. Shall meet all required setbacks for accessory structures. (Ord. 06-05, 5-1-06)

PORTABLE STORAGE UNITS: Any container, storage unit, shed-like container, or other portable structure that can be or is used for the storage of personal property. (Ord. 07-41, 10-1-07)

RESIDENTIAL TREATMENT CENTER: An establishment, including the operation of a professional pharmacy, and facilities for 24 hour in-patient care, where one or more physicians, psychologists, counselors, or other medical professionals diagnose and treat human physical and/or mental disorders. (Ord. 07-37, 10-1-07)

REST HOME OR NURSING HOME: A home for the aged, chronically ill, or incurable

persons in which three (3) or more persons not of the immediate family are received, kept, or provided with food and shelter and care for compensation, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis, treatment, or care of the sick or injured. (Ord. 78-31, 3-5-79)

RETIREMENT CENTER: A building where three (3) or more persons not of the immediate family are lodged for hire and where they may be provided meals, health care, and rehabilitation activities, including physical and occupational rehabilitation services. The center may also provide adult day care and home health care services. (Ord. 84-25, 4-15-85)

RINGELMANN NUMBER: A particular designation of an area on the Ringelmann Chart that coincides most nearly with the visual density of smoke or particulate matter being observed.

SHELTERS/TENTS: Something which has no foundation, metal frame, and which can be used to enclose an area. (Ord. 07-41, 10-1-07)

SIGNS: Any commercial structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency, of any civic, charitable, religious, patriotic, fraternal, or similar organization, or any sign indicating address.

SIGNS, ADVERTISING: A sign which directs attention to a business, commodity, service, or entertainment, not exclusively related to the premises where such sign is located or to which it is affixed.

SIGNS, BUSINESS: A sign which directs attention to a business or profession conducted or to a commodity, service, or entertainment sold or offered upon the premises on which such sign is located or to which it is affixed, or an adjoining premises in the case of a shared sign.

SIGNS, TEMPORARY: A non-permanent sign intended to be used for a short fixed period of time, including, but not limited to, political, real estate, construction, barker, and signs announcing a campaign drive or civic event. (Ord. 07-31, 9-4-07)

SOLAR WATER SYSTEM: A solar water system is one which produces domestic hot water. (Ord. 10- 20, 10-4-10)

SPECIAL USES: Any use of land or buildings described and permitted herein in accordance with the procedures of Section 10-10-2 of this Title.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen feet (14') in height shall be considered as an additional story for each fourteen feet (14') or fraction thereof. Any basement or cellar with more than one-half (1/2) its height above the established curb level, or above the level of the adjoining ground where curb level has not been established, shall be considered a story for purposes of height measurements.

STORY, HALF: As related to a structure, a basement or cellar level with not more than one-

half (1/2) of its height above ground level. As a measurement relating to height limitations of structures other than buildings, half-story shall be seven feet (7').

STREET: A thoroughfare within the right of way which affords the principal means of access to abutting property. A street may be designated as an avenue, a boulevard, drive, highway, lane, parkway, place, road, thoroughfare, or by other appropriate name.

STRUCTURE: Anything constructed or erected which requires location on the ground or is attached to something having location on the ground including, but not limited to, buildings, walls, swimming pools, fences, billboards, signs, stadiums, platforms, radio towers, sheds, storage bins, antenna, and surfacing for vehicle parking and any other surfacing. (Ord. 78-31, 3-5-79)

SUPPORTED LIVING FACILITY: A maximum of four (4) family units may reside in the basement, first floor, and second floor where one (1) or more of the family units requires some form of support or supervision. A family unit is an individual or a married couple, or a descendant of either. (Ord. 14-32, 12-15-14)

SUPPORTED LIVING FACILITY WITH LIMITED COMMERCIAL USE: A supported living facility in which on the first floor there may be programs, including instructional and actual training with equipment for persons with disabilities. Incidental production of and sale of items produced in conjunction with the training is permissible. (Ord. 14-32, 12-15-14)

SWIMMING POOL: Any structure, basin, chamber, or tank containing an artificial body of water for swimming or wading, which is dug into the ground or which sits on the ground (including inflatable structures), and which has a depth of two feet (2') or more at any point. Depth shall be the height of the wall. Any device with a filtration system that is used for swimming or wading, regardless of depth, shall be considered a swimming pool and shall be located in the rear yard. For purposes of this definition, lakes and borrow pits shall not be considered basins. (Ord. 96-39, 3-17-97; amd. Ord. 01-25, 10-1-01)

TASTING ROOM: A room accessory only to a craft brewery where beer manufactured onsite is available on tap.

USE: The specific purpose for which land, a structure, or premises is designed, arranged, intended, or for which it may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

VARIATION: A deviation from the regulations or standards adopted by this Title which the Zoning Board is permitted to grant when strict enforcement would cause undue hardship owing to circumstances unique to the individual property, lot, structure, or premises for which the variance is sought.

WIND ENERGY CONVERSION SYSTEM: A machine that converts the kinetic energy in

the wind into a usable form (commonly known as a “wind turbine” or “windmill”). (Ord. 07-04, 5-7-07)

WINERY: An establishment where wine is manufactured onsite and offered for sale at retail for use or consumption onsite or offsite. Not more than fifty thousand (50,000) gallons of wine per year may be manufactured at a specified location for such location to be considered a winery.

YARD: An open space on the same zoning lot with a building or group of buildings which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this Title, and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the zoning lot is located.

YARD, FRONT: A yard extending across the full width of the zoning lot and lying between the front line of the lot and the nearest line of a building. Corner lots with property on two (2) intersecting streets shall provide two (2) front yards to meet the front yard requirements set forth herein. Reverse frontage or through lots having access on two (2) non-intersecting streets shall be required to provide a front yard on only one (1) street that upon which the proposed structure is to front unless both streets providing access serve as fronting streets for adjoining properties, in which case, a front yard shall be provided on both streets providing access.

YARD, REAR: A yard extending across the full width of the zoning lot and lying between the rear line of the lot and the nearest line of the principal building.

YARD, SIDE: That part of the yard lying between the nearest line of the principal building and a side lot line and extending from the required front yard (or from the front lot line, if there is no required front yard) to the required rear yard.

YARD, LANDSCAPED: The portion of the front yard a distance in depth as specified herein and right of way upon which the property fronts, or from the edge of the proposed right of way, if the fronting street or street rights of way are less than specified on the Official Map.

ZONING LOT: See “LOT.” (Ord. 78-31, 3-5-79)

SECTION 3: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 4: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 5: EFFECTIVE DATE This Ordinance shall be in full force and

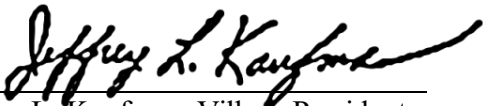
effect from and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE VILLAGE OF MORTON PRESIDENT AND BOARD OF TRUSTEES AUGUST 05, 2023.


	AYE	NAY	ABSENT	ABSTAIN
Trustee Blunier	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Trustee Hilliard	<u> </u>	<u> </u>	<u> X </u>	<u> </u>
Trustee Leitch	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Trustee Menold	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Trustee Parrott	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Trustee Newman	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
President Kaufman	<u> </u>	<u> </u>	<u> </u>	<u> </u>

Presiding Officer

Attest



Jeffrey L. Kaufman, Village President,
Village of Morton



Zo M. Evans, Village Clerk, Village of
Morton

